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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : Hon. Douglas E. Arpert  
v. : Mag. No. 20-6003 (DEA)  
ERIC BERNING, : ORDER FOR A CONTINUANCE

This matter having come before the Court on the joint application of Philip R. Sellinger, United States Attorney for the District of New Jersey (by Michelle S. Gasparian, Assistant United States Attorney), and defendant Eric Berning, (by Marco A. Laracca, Esq.), for an order granting a continuance of the proceedings in the above-captioned matter from the date this Order is signed through January 3, 2023 to permit defense counsel the reasonable time necessary for effective preparation in this matter and to allow the parties to discuss the matter and conduct plea negotiations in an effort to resolve the case before grand jury proceedings and trial; and the defendant being aware that he has the right to have the matter submitted to a grand jury within 30 days of the date of his arrest pursuant to Title 18, United States Code, Section 3161(b); and eight prior continuances having been entered; and the defendant, through his attorney, having consented to the continuance; and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) The parties have entered into plea negotiations and need further opportunity to conclude those negotiations which would render any grand jury proceedings and any subsequent trial of this matter unnecessary;

(2) The failure to grant such a continuance would deny counsel for the defendant or the attorney for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

(3) The defendant has consented to the aforementioned continuance;

(4) The grant of a continuance will likely conserve judicial resources; and

(5) Pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, it is on this 19<sup>th</sup> day of October, 2022;

ORDERED that this action be, and it hereby is, continued from the date this Order is signed through January 3, 2023; and it is further

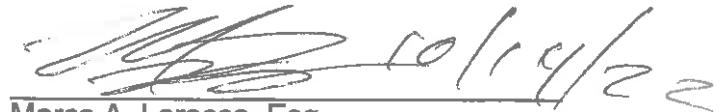
ORDERED that the period from the date this Order is signed through January 3, 2023 shall be excludable in computing time under the Speedy Trial Act of 1974.

  
HON. DOUGLAS E. ARPERT  
United States Magistrate Judge

Form and entry consented to:

*s/Michelle S. Gasparian*

Michelle S. Gasparian  
Assistant United States Attorneys



10/19/22

Marco A. Laracca, Esq.  
Counsel for Defendant, Eric Berning